

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GRACE ALBANESE,) Case No. 2:17-cv-01972-JAD-NJK
Plaintiff(s),)
v.) REPORT AND
LAS VEGAS POLICE DEPARTMENT,) RECOMMENDATION
Defendant(s).)

16 On July 21, 2017, the Court denied without prejudice Plaintiff's application to proceed *in*
17 *forma pauperis*, noting on-going proceedings in other cases that could result in Plaintiff being
18 declared a vexatious litigant. Docket No. 3. United States District Judge Jennifer A. Dorsey has
19 since declared Plaintiff vexatious. *See, e.g., Albanese v. The Federal Bureau of Investigation*, Case
20 No. 2:17-cv-01599-JAD-VCF, Docket No. 7 (July 27, 2017). In this instance, the Court will not
21 apply retroactively the pre-filing certification requirement established by Judge Dorsey therein. *See*
22 *id.* at 5 (establishing proceedings with which Plaintiff must comply before “filing any *new* complaint,
23 petition, or other action in this court” (emphasis added)). Instead, the undersigned has reviewed
24 Plaintiff’s complaint in this case and finds Plaintiff’s claims of stalking and police
25 involvement/indifference¹ are sufficiently frivolous to warrant dismissal on the merits. *See Neitzke*
26 *v. Williams*, 490 U.S. 319, 327-28 (1989).

¹ The claims in this case are substantially similar to those found to be frivolous in other cases.

1 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED**.

2 DATED: August 17, 2017

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4 NANCY J. KOPPE
United States Magistrate Judge

5 **NOTICE**

6 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be
7 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
8 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
9 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
10 held that (1) failure to file objections within the specified time and (2) failure to properly address and
11 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
12 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
13 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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